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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

CYPR-CD00232

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on 10/09/07

Signature

Typed or printed name

DONNA PETFORD

Application Number

10/033,027

Filed

10/22/01

First Named Inventor

SNYDER

Art Unit

2183

Examiner

PAN, D.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 35,295

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Signature

ANTHONY C. MURABITO

Typed or printed name

(408) 938-9061

Telephone number

10/09/07

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Snyder

Serial: 10/033,027

Group Art Unit: 2183

Filed: 10/22/2001

Examiner: Daniel H. Pan

For: PROGRAMMABLE MICROCONTROLLER ARCHITECTURE

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and

EXAMINER INTERVIEW SUMMARY

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Appellants respectfully assert that there is no motivation to combine Tzori in view of Insenser, as proposed by the rejection. Therefore, the cited combination does not render obvious the claims. The rejection proposes the modification in order to “includ(e) the analog blocks as claimed.” Herein, the rejection concedes that the rejection was improperly guided by hindsight in view of the claims of the present application.

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Further, the proposed addition of analog blocks clearly changes the digital principle of operation of the primary reference. Per *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959), “if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” As the proposed modification changes the principle of operation of the primary reference, the rejection fails to establish *prima facie* obviousness.

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In summary, Appellants respectfully submit that the Examiner’s rejections of the Claims are improper as key limitations needed for proper *prima facie* rejections of Appellants’ Claims are not met by the cited references as outlined above. Key limitations of independent Claims 1, 11, 17, 35, 37, 42, 51, 52 and 58 (from which Claims 2-10, 13-16, 18, 20, 21, 23-34, 36, 38-41, 43-49, 57 and 59 depend) are not taught or suggested by the cited art. In addition, the proposed combinations of art are improper, as outlined above. Appellants respectfully submit that the rejections of Claims 1-11, 12-18, 20-21, 23-49, 51-52 and 57-59 are improper and should be reversed.

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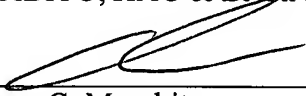
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Applicants thank the Examiner for the Interview.

Respectfully submitted,

MURABITO, HAO & BARNES LLP

Date: Oct 9, 2007



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Snyder

Serial: 10/033,027

Group Art Unit: 2183

Filed: 10/22/2001

Examiner: Daniel H. Pan

For: PROGRAMMABLE MICROCONTROLLER ARCHITECTURE

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CYPR-CD00232/ACM/NAO

Examiner: Pan, D. H.

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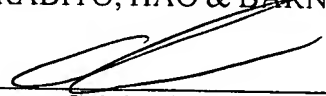
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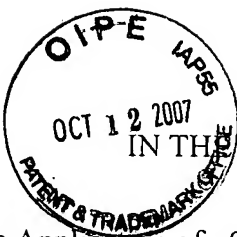
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EXAMINER INTERVIEW SUMMARY

On August 7, 2007, Applicants' representative and Examiner Pan conducted an Examiner Interview via telephone in the above captioned case. The teachings of the prior art, including the Tzori reference, and the claims, including Claim 1, were discussed. No agreement was reached.

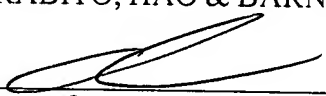
Applicants thank the Examiner for the Interview.

Respectfully submitted,

MURABITO, HAO & BARNES LLP

Date:

Oct 9, 2007



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